

**CITY OF MORGAN HILL  
REGULAR CITY COUNCIL MEETING  
MINUTES- MAY 1, 2013**

**CALL TO ORDER**

Mayor Tate called the Regular City Council meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council Members: Carr, Constantine, Librers, Siebert, Tate  
Absent: Council Members: None

**DECLARATION OF POSTING OF AGENDA**

Deputy City Clerk Wilson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Recycler of the Year Infineon Technologies  
*Julie Alter, Recology*

**CITY COUNCIL REPORTS**

Council Member Siebert spoke about his work with the Wastewater Authority. He shared that the system is working as it should. This morning the Board reviewed their budget, which is fiscally sound. They are also looking into expanding the facility to increase capacity for future development. He also reported about his work with the Association of Bay Area Governments (ABAG). He found that it was enlightening to speak with representatives from our neighboring organizations.

**CITY MANAGER'S REPORT**

City Manager Rymer recognized two groups for living the priorities that the Council has set. First was the Youth Action Council (YAC) for their work putting together the Senior Citizens Ball. He also recognized Chiquy Mejia for her efforts, enthusiasm and dedication. He shared that We have reestablished the Morgan Hill Fire Department as of January this year. The community is now the proud owner of their own fire stations. The second thing is that our new fire apparatus will be arriving in about a month. The two fire engines will be rolling out on to the streets in by the end of this month or early June. He concluded by speaking to the evenings supplemental items.

**CITY ATTORNEY'S REPORT**

City Attorney Gurza had no reports.

**OTHER REPORTS**

None.

## **PUBLIC COMMENT**

Mayor Tate opened the public comment at 7:14 p.m. Hearing no requests to speak, the public comment was closed.

## ***City Council Action*** **ADOPTION OF AGENDA**

**Action:** *On a motion by Council Member Constantine and seconded by Council Member Librers Adopting the Agenda as posted. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

## ***City Council Action*** **CONSENT CALENDAR:**

**Action:** *On a motion by Council Member Librers and seconded by Council Member Constantine Approving City Council Consent Calendar Items 1 and 5 through 9. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

1. **ACCEPTANCE OF LIFT STATION M REHABILITATION PROJECT**  
**Recommended Action(s):**
  1. **Accept** as complete the Lift Station M Rehabilitation Project in the final amount of \$321,599; and
  2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
2. **PROGRESS REPORT FOR BUTTERFIELD BOULEVARD SOUTH EXTENSION PROJECT**  
**Recommended Action(s):** *Information Only.*

Item pulled for discussion.

No action taken.

3. **FIRST AMENDMENT TO AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES OF SILICON VALLEY**  
**Recommended Action(s):** **Authorize** the City Manager to execute an amendment to consultant agreement with Neighborhood Housing Services of Silicon Valley for an amount not to exceed \$75,000 for Below Market Rate (BMR) administration services for the period ending April 30, 2014.

Item pulled for discussion.

Julius Nyanda with Neighborhood Housing Services provided a presentation.

You can learn more about the organization by visiting [www.Morganhill.NHSNOW.org](http://www.Morganhill.NHSNOW.org)

**Action:** *On a motion by Council Member Constantine and seconded by Council Member Carr **Authorizing** the City Manager to execute an amendment to consultant agreement with Neighborhood Housing Services of Silicon Valley for an amount not to exceed \$75,000 for Below Market Rate (BMR) administration services for the period ending April 30, 2014. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

**4. PURCHASE AND DISPOSAL OF POLICE VEHICLES**

**Recommended Action(s):**

1. **Adopt** resolution to authorize vehicle purchases for one patrol (2013 Ford Explorer) and one unmarked vehicle (2013 Ford Taurus), including build out for a total cost of \$68,979.00 from the Ford Store Morgan Hill and Folsom Lake Ford ; and
2. **Accept** check in the amount of \$39,767.57 from ABAG to replace the 2011 Ford Crown Victoria patrol vehicle;
3. **Use** vehicle replacement funds from the 2006 Ford Fusion to purchase the 2013 Ford Taurus;
4. **Sell** current unmarked vehicle (2005 Ford Taurus) at auction;
5. **Dispose** of totaled 2011 Ford Crown Victoria.

**Action:** *On a motion by Council Member Constantine and seconded by Council Member Carr **Adopting** resolution 6629 authorizing vehicle purchases for one patrol (2013 Ford Explorer) and one unmarked vehicle (2013 Ford Taurus), including build out for a total cost of \$68,979.00 from the Ford Store Morgan Hill and Folsom Lake Ford, **Accepting** a check in the amount of \$39,767.57 from ABAG to replace the 2011 Ford Crown Victoria patrol vehicle, **Using** vehicle replacement funds from the 2006 Ford Fusion to purchase the 2013 Ford Taurus, **Selling** current unmarked vehicle (2005 Ford Taurus) at auction, and **Disposing** of the totaled 2011 Ford Crown Victoria. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

**5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CHANGING THE DIRECTOR REPRESENTING THE CITY OF MORGAN HILL ON THE ABAG PLAN CORPORATION BOARD OF DIRECTORS**

**Recommended Action(s):** **Adopt** resolution 6630 of the City Council of the City of Morgan Hill appointing Renee Gurza, City Attorney, to represent the City of Morgan Hill to the ABAG PLAN Corporation Board of Directors.

**6. PURCHASE OF AQUATICS CENTER DIVING BOARDS**

**Recommended Action(s):**

1. **Approve** purchase of one one-meter and one three-meter diving board from Recreonics in the amount of \$31,444.66; and
2. **Appropriate** \$1,196.07 from the Building Replacement Fund (741) for the replacement of the diving boards at the Aquatics Center.

**7. COMMUNITY PROMOTIONS' FUNDING REQUEST**

**Recommended Action(s):** **Receive** report.

**8. APPROVE THE APRIL 3, 2013 REGULAR CITY COUNCIL MEETING MINUTES**

**Recommended Action(s):** **Approve** the April 3, 2013 City Council Meeting Minutes.

**9. APPROVE THE APRIL 17, 2013 REGULAR CITY COUNCIL MEETING MINUTES**

**Recommended Action(s):** **Approve** the April 17, 2013 City Council Meeting Minutes.

## ***City Council Action***

### **OTHER BUSINESS:**

10. **LEADERSHIP MORGAN HILL CLASS OF 2013 DRAFT PROPOSAL FOR PERMANENT PUBLIC ART IN THE NEW CITY COUNCIL CHAMBERS**  
**Recommended Action(s):** *Information Only.*

Senior Engineer Behzad and Recreation Supervisor Tobin presented the staff report.

Swanee Edwards spoke on behalf of Leadership Morgan Hill Class 2013 providing a brief outline of the project.

No Action Taken.

11. **PRESENTATION OF SAFE AND SUSTAINABLE STREETS INFRASTRUCTURE STUDY**  
**Recommended Action(s):**  
1. **Accept** report; and  
2. **Provide** direction to staff on future actions related to street safety and sustainability.

Programs Administrator Eulo presented the staff report.

Mayor Tate called a recess at 8:13 p.m. The meeting was reconvened at 8:19 p.m.

Mayor Tate opened the public comment at 8:19 p.m. Hearing no requests to speak, the public comment was closed.

**Action:** *On a motion by Council Member Librers and seconded by Council Member Carr **Accepting** the report and directing staff to develop an action plan to bring back to council to providing the options to address the streets infrastructure. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

12. **SELECTION OF CITY COUNCIL MEMBER TO SERVE WITH MAYOR ON ADVISORY COMMISSION AD-HOC COMMITTEE**  
**Recommended Action(s):** **Appoint** a City Council Member to serve with the Mayor on the Advisory Commission Ad-Hoc Committee.

Mayor Tate presented the staff report.

Mayor Tate opened the public comment at 8:29 p.m. Hearing no requests to speak, the public comment was closed.

**Action:** *On a motion by Council Member Carr and seconded by Council Member Constantine **Appointing** Council Member Librers to serve with the Mayor on the Advisory Commission Ad-Hoc Committee. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

13. **GENERAL PLAN ADVISORY COMMITTEE APPOINTMENT**  
**Recommended Action(s):** **Confirm** the appointment of one replacement member to the General Plan Update Committee as recommended by the Mayor and City Manager.

Mitch Oshinsky presented the staff report.

**Action:** *On a motion by Council Member Librers and seconded by Council Member Siebert **Confirming** the appointment of Rich Bergin as a replacement member to the General Plan Update Committee as recommended by the Mayor and City Manager. The motion passed by the following vote: Ayes: 5; Noes:0; Absent: 0.*

**FUTURE COUNCIL INITIATED AGENDA ITEMS:**

Council Member Siebert asked to see the off balance sheet and unfunded liability items.

Council Member Librers asked that a report on the skate park be brought back to Council at the next meeting that she will be at. (June 5<sup>th</sup>)

Mayor Tate asked that staff reevaluate the Council Meeting Schedule and the potential of permanently cancelling the 3<sup>rd</sup> meeting of the month.

***City Council Action***

**CLOSED SESSION:**

City Attorney Gurza read the closed sessions into the record.

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Tate opened the public comment at 8:46 p.m. Hearing no requests to speak, the public comment was closed.

**ADJOURN TO CLOSED SESSION**

Mayor Tate adjourned the meeting to closed session at 8:47 p.m.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	Consumer Solutions 3, LLC v. Hawkins, City of Morgan Hill, et al.
Case Number:	Santa Clara County Superior Court Case No: 1-12-CV-236330
Attendees:	City Manager; City Attorney

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	AAA Northern California, Nevada & Utah Insurance Exchange v. City of Morgan Hill, et al.
Case Number:	Santa Clara County Superior Court Case No: 1-12-CV-233335
Attendees:	City Manager; City Attorney

Item deferred to a future meeting.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Authority	Pursuant to Government Code Section 54956.9(c)
Party:	Joseph J. Albanese, Inc.; BKF Engineering
Attendees:	City Manager; City Attorney; City Engineer
Number of Cases:	(1)

**RECONVENE**

Mayor Tate reconvened the meeting at 8:46 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Gurza stated that there was no reportable action.

**ADJOURNMENT**

There being no further business Mayor Tate adjourned the meeting at 9:30 p.m.

**MINUTES PREPARED BY:**

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**MICHELLE WILSON**  
**Deputy City Clerk**